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for the Northern Mariana Islands
By _____
(Deputy Clerk)

Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC HAFNER,

Defendant.

CR 19-00012
Case No. _____

**MOTION FOR ORDER OF
DETENTION**

1 The United States hereby moves the Court to order Defendant's detention pending trial,
2 pursuant to Chapter 207 of Title 18, United States Code.

3 1. **Eligibility.** This case is eligible for a detention hearing because it involves:

4 ☒ a crime of violence; a violation of Section 1591 of Title 18, United States
5 Code; or an offense listed in Section 2332b(g)(5)(B) of Title 18, United
6 States Code, for which a maximum term of imprisonment of ten years or
7 more is prescribed (*see* 18 U.S.C. § 3142(f)(1)(A));

8 ☐ an offense for which the maximum sentence is life imprisonment or death
9 (*see* 18 U.S.C. § 3142(f)(1)(B));

☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act, and/or Chapter 705 of Title 46, United States Code (*see* 18 U.S.C. § 3142(f)(1)(C));

☐ a felony offense committed after Defendant has been convicted of two or more prior offenses described in 18 U.S.C. §§ 3142(f)(1)(A)-(C), or comparable state or local offenses, or some combination thereof (*see* 18 U.S.C. § 3142(f)(1)(D));

☐ a felony involving a minor victim (*see* 18 U.S.C. § 3142(f)(1)(E));

☐ a felony involving a possession or use of a firearm or destructive device, as defined in Section 921 of Title 18, United States Code, or any other dangerous weapon (*see id.*);

☐ a felony involving a failure to register under Section 2250 of Title 18, United States Code (*see id.*);

☒ a serious risk that Defendant will flee (*see* 18 U.S.C. § 3142(f)(2)(A));

☒ a serious risk that Defendant will obstruct or attempt to obstruct justice, or threaten, injure or intimidate, or attempt to threaten, injure or intimidate, a prospective witness or juror (*see* 18 U.S.C. § 3142(f)(2)(B)).

Rebuttable presumptions. There exist rebuttable presumptions that no condition or combination of conditions will reasonably assure (1) Defendant's appearance as required and (2) the safety of the community because there is probable cause to believe that Defendant has committed:

☐ an offense for which a maximum term of imprisonment of ten years or more

is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act, and/or Chapter 705 of Title 46, United States Code (*see* 18 U.S.C. § 3142(e)(3)(A));

☐ an offense under Section 924(c), 956(a), or 2332b of Title 18, United States Code (*see* 18 U.S.C. § 3142(e)(3)(B));

☐ an offense listed in Section 2332b(g)(5)(B) of Title 18, United States Code, for which a maximum term of imprisonment of 10 years or more is prescribed (*see* 18 U.S.C. § 3142(e)(3)(C));

☐ an offense under Chapter 77 of Title 18, United States Code, for which a maximum term of imprisonment of 20 years or more is prescribed (*see* 18 U.S.C. § 3142(e)(3)(D));

☐ an offense involving a minor victim under an applicable section or sections of Title 18, United States Code (*see* 18 U.S.C. § 3142(e)(3)(E)).

2. ***Reason(s) for detention.*** The Court should detain Defendant because there exists no condition, or combination of conditions, of release that will reasonably assure:

☒ Defendant's appearance as required (*see* 18 U.S.C. § 3142(e)); and/or

☒ the safety of any other person and the community (*see id.*).

☐ These reasons are in force because of the rebuttable presumptions discussed above (*see* 18 U.S.C. § 3142(e)(3)).

3. ***Timing of hearing.*** The United States asks that the detention hearing take place:

☐ at Defendant's first appearance (*see* 18 U.S.C. § 3142(f));

☒ after a continuance of 3 days (*see id.*; *see also United States v. Lee*, 783 F.2d 92, 93-94 (7th Cir. 1986) (calling three-day continuance on

1 Government's motion under Section 3142(f) "automatically available"));

2 ☐ at the time and date specified on the first page of this filing.

3 * * *

4 At the hearing on this motion, the United States may advance reasons for detention other
5 than those indicated above, as the case proceeds and new information becomes available.

Respectfully submitted on September 30, 2019.

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By:


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